

CHARTER OF THE CITY OF CHULA VISTA -- SECTION 300.5

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Sec. 300.5. Districting Commission

A. Establishment of City Districting Commission;
Composition; Powers and Duties

1. Separate and distinct from the commissions provided for in Article VI of this Charter, there shall be established a seven (7) member Districting Commission, hereinafter "Commission," for the purposes of recommending to the City Council the Council districts by which Councilmembers shall be elected, and periodically recommending to the City Council adjustments to the boundaries of such Council districts.

2. The first Commission established under this Section shall recommend, and the City Council shall approve, a Districting Plan establishing four (4) Council districts in a timely manner, but no later than February 1, 2016, for use in the 2016 general municipal election. Thereafter, future Commissions shall recommend, and the City Council shall approve, a Districting Plan for adjusting the boundaries of the four (4) Council districts within one (1) year of receipt by the City of the final Federal Decennial Census information for use commencing with the next scheduled general municipal election occurring at least three (3) months after adoption of the Final Districting Plan. As used in this Section, the term "Federal Decennial Census" shall mean the national decennial census that is taken under the direction of the United States Congress at the beginning of each decade.

3. One or more, as necessary, independent consultants experienced and competent in the skills necessary for the districting work shall be utilized to assist the Commission in developing the Districting Plans detailed in this Section.

B. Ordinances Implementing Districting Commission Powers and Duties; Appropriations to Support Districting Commission

1. The City Council shall adopt such ordinances as are necessary to provide for and support the Commission, and to ensure timely selection of Commission members and full implementation of the Commission's powers and duties under this Section.

2. The City Council shall ensure, through the budget process, the appropriation of funds sufficient to allow the Commission to carry out its powers and duties under this Section.

C. Eligibility to Serve on the Commission.

1. Only persons who are both residents and registered voters of the City or territory annexed to the City are eligible to apply for and serve on the Commission.

2. Notwithstanding that they may be a resident and registered voter of the City or territory annexed to the City, the following persons are ineligible to apply for and serve on the Commission:

a. the Mayor, a Councilmember, any other elected City official, or a member of the City Charter Review Commission;

b. a relative by blood or marriage within the second degree, or any domestic partner within the meaning of California law (including Family Code section 297), of the Mayor, any Councilmember, or any other elected City official;

c. a person who, at any time within the four (4) years immediately preceding the date of their application for selection to the Commission, has served as the Mayor, a Councilmember, or an elected City official;

d. a current employee of the City or a current employee of any organization representing any employee bargaining unit for employees of the City;

e. a person who, at any time within the four (4) years immediately preceding the date of their application for selection to the Commission, has worked as a lobbyist. For purposes of this provision, the term "lobbyist" means a person who, for compensation, has direct communication with a City official, including the Mayor, a Councilmember, or any elected City official, for purposes of influencing a municipal decision;

f. a person who is currently an officer in any local political party organization, including, but not limited to, officers of a political party county central committee; and

g. a person who, at any time within the four (4) years immediately preceding the date of their application for selection to the Commission, has served as a paid campaign worker or paid campaign or political consultant for an elected City official.

D. Selection of Commission Members; Filling of Vacancies

1. The City Charter Review Commission shall review and verify the information contained in the applications submitted by persons interested in serving on the Commission, including applicants' eligibility to serve on the Commission under Subdivision C of this Section. From the reviewed and verified applications, the City Charter Review Commission shall select ten (10) persons to constitute the pool of eligible applicants for purposes of this Subdivision.

2. Four (4) Commission Members shall be randomly selected from the pool of eligible applicants;

3. Three (3) Commission Members shall be selected by the randomly selected Commission Members from the pool of eligible applicants, subject to approval by the City Council. The goal of such selections shall be to ensure that, to the extent possible and as permitted by law, the Commission includes:

a. women and men who reflect the racial, ethnic, and geographic diversity of the City;

b. persons who have relevant knowledge and/or demonstrated analytical abilities that would allow the Commission to carry out its responsibilities with a high degree of competence;

c. persons who have demonstrated the ability to serve impartially in a nonpartisan role;

d. persons who have experience in the areas of public communication and/or public outreach in the City; and

e. persons who have experience in civic and/or volunteer activities in the City.

The City Council shall approve nominees for selection to the Commission unless the City Council finds by at least four (4) affirmative votes that the approval of one or more of the nominees would be inconsistent with this goal. In such case, the City Council shall approve for selection to the Commission one or more persons from the remaining pool of eligible applicants.

4. In the event that not enough eligible persons apply for the Commission to allow selection in the manner provided in Paragraphs 1, 2, or 3 of this Subdivision, the City Council shall appoint persons as necessary to fill all seven (7) seats on the Commission. Such appointments shall be consistent with the

eligibility restrictions in Subdivision C of this Section and the goals described in Paragraph 3 of this Subdivision.

5. The Members of the first Commission provided for in this Section shall be determined no later than May 1, 2015. Thereafter, the Members of subsequent Commissions shall be determined no later than May 1 of each year following the year in which the Federal Decennial Census is taken.

6. Vacancies on the Commission, from whatever cause arising, shall if possible be filled using the same process described in Paragraph 3 of this Subdivision, and if not possible, then by the City Council consistent with the eligibility restrictions in Subdivision C of this Section and the goals described in Paragraph 3 of this Subdivision. A vacancy on the Commission shall be declared for the same reasons described in Article VI, Section 602(c) of this Charter. Vacancies on the Commission shall be filled within 45 days of the date upon which the vacancy existed.

E. Commission Member Compensation; Restriction on Commission Members Seeking Election to City Council

1. Commission Members shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

2. A person who serves as a Commission Member is ineligible to serve on, and shall not seek election to, the City Council in any district whose boundaries were drawn or adjusted by the Commission on which such person served for a period of four (4) years immediately following the end of the person's service on the Commission.

F. Districting Criteria.

The Commission and City Council shall adhere to the following criteria in considering and approving or disapproving any Districting Plan:

1. District shall have reasonably equal populations as required by the Federal and State constitutions.

2. District boundaries shall be geographically compact and contiguous.

3. District boundaries shall follow visible natural and man-made features, street lines and/or City boundary lines whenever possible.

4. District boundaries shall respect communities of interest to the extent practicable. A community of interest is defined as a geographic area comprised of residents who share similar interests including, but not limited to, social, cultural, ethnic, geographic or economic interests, or formal government or quasi-governmental relationships, but not including relationships with political parties, incumbents, or candidates.

5. District boundaries shall be drawn without regard for advantage or disadvantage to incumbents or challengers.

6. District boundaries shall be drawn without regard for advantage or disadvantage to any political party.

G. Procedures for Creation of Draft and Recommended Districting Plans.

The Commission and City shall abide by the following procedure in any districting process:

1. The Commission and City should actively encourage City residents to participate in the districting process. Such efforts should include, but not be limited to, encouraging City residents to attend Commission meetings, provide public comments to the Commission, and facilitating the submission of districting plans for consideration by the Commission. To the extent practicable, Commission meetings should be held in different geographic areas of the City so as to facilitate participation by persons residing in different areas of the City.

2. The Commission shall approve a Draft Districting Plan based on application of the districting criteria specified in Subdivision F of this Section and consideration of all public comments submitted to it. Approval of a Draft Districting Plan shall require the affirmative vote of at least five (5) Commission members. The Commission shall hold at least two (2) public meetings prior to approving a Draft Districting Plan.

3. A Draft Districting Plan approved by the Commission shall be made publicly available for at least thirty (30) days before the Commission may take any action to approve a Recommended Districting Plan. The Commission shall hold at least two (2) public meetings between the release of a Draft Districting Plan and approval of a Recommended Districting Plan; provided, however, that the first such public meeting shall not

be held sooner than seven (7) days following the release of a Draft Districting Plan.

4. The Commission shall thereafter approve a Recommended Districting Plan for consideration by the City Council. Approval of a Recommended Districting Plan shall require the affirmative vote of at least five (5) Commission Members.

5. For each Recommended Districting Plan prepared by the Commission and submitted to the City Council, the Commission shall prepare a report that describes the process, criteria, and evidence used by the Commission to prepare the Recommended Districting Plan. Such a report shall accompany any Recommended Districting Plan submitted by the Commission to the City Council.

H. City Council Consideration of Recommended Districting Plan; Approval of Final Districting Plan.

1. The City Council shall hold at least one (1) public hearing on the Recommended Districting Plan of the Commission before the City Council takes any action to approve or disapprove the Recommended Districting Plan.

2. The Recommended Districting Plan shall be made publicly available for at least fourteen (14) days before any vote by the City Council to approve or disapprove a Recommended Districting Plan.

3. The City Council shall not alter the Recommended Districting Plan. Rather, the City Council shall approve or disapprove the Recommended Districting Plan in its entirety.

4. If the City Council approves a Recommended Districting Plan it shall immediately become the Final Districting Plan which shall be implemented by the City.

5. If the City Council disapproves a Recommended Districting Plan, the City Council shall immediately state in writing to the Commission the reasons for such disapproval, including any deviations by the Commission from the districting criteria specified in Subdivision F of this Section. Thereafter, the Commission shall consider the City Council's stated reasons for disapproval and may consider and approve alterations to the Recommended Districting Plan in response to those reasons. After such consideration, the Commission shall submit its Final Districting Plan to the City Council for immediate implementation by the City. Approval of such Final Districting Plan shall require the affirmative vote of five (5) Commission Members.

I. Referendum or Legal Challenge to Final Districting Plan.

1. Any Final Districting Plan approved under this Section shall be subject to the referendum provisions of this Charter. If a referendum qualifies against the Final Districting Plan approved by the first Commission established under this Section, the City shall continue to elect Councilmembers at-large until an election on the referendum is held. If a referendum qualifies against any Final Districting Plan approved by a subsequent Commission, the City shall continue to elect Councilmembers by district elections as provided in Section 300 using existing Council districts until an election on the referendum is held. In either event, if the voters approve such a Final Districting Plan, the Council districts established in the Final Districting Plan shall become effective as soon as practicable. If the voters reject such a Final Districting Plan, the Commission shall, as soon as practicable, prepare and submit a new Recommended Districting Plan for consideration and approval by the City Council consistent with the process described in Subdivision G of this Section.

2. If a court of competent jurisdiction invalidates a Final Districting Plan, the Commission shall, as soon as practicable, prepare and submit a new Recommended Districting Plan for consideration and approval by the City Council consistent with the process described in Subdivision G of this Section.

J. Dissolution of Districting Commission

Each Commission established under this Section shall cease operations and dissolve on the ninety-first day following approval of a Final Districting Plan, unless a referendum against the Final Districting Plan has qualified or a lawsuit has been filed to enjoin or invalidate the Final Districting Plan, in which case the Commission shall continue operations until a Final Districting Plan is implemented by the City. Notwithstanding the foregoing, if a lawsuit to enjoin or invalidate a Final Districting Plan is filed later than the ninety-first day following approval of a Final Districting Plan, the Commission shall automatically revive and continue operations during the pendency of such lawsuit and until a Final Districting Plan is implemented by the City.

K. Transition from At-Large Elections

1. A period of transition from at-large elections to the by-district elections described in Section 300 will occur from the time of approval of a plan to establish Council districts to the time that the first by-district elections are held for each Council district. For this transition period, each Councilmember

who currently holds a Council seat will be designated as the incumbent Councilmember representing the Council district with the same numerical designation in the first districting plan approved and implemented by the City Council, whether or not that Councilmember resides in that Council district. For example, the Councilmember occupying the previously-designated Council seat one (1) will be designated the incumbent Councilmember for new Council district one (1) whether or not that Councilmember resides in Council district one (1). Each of the Councilmembers occupying office at the time of the effective date of this Section shall be so designated.

2. Council districts one (1) and two (2) shall transition to the by-district elections described in Section 300 of this Charter beginning with the general municipal election in 2018. Council districts three (3) and four (4) shall transition to the by-district elections described in Section 300 beginning with the general municipal election in 2016. Notwithstanding the designation of incumbent Councilmembers for purposes of the transition period described in Paragraph 1 of this Section, no person shall be eligible to seek election to a newly created Council district in any by-district election unless such person is eligible to seek election under Subdivisions A and C of Section 300 of this Charter. For purposes of the transition period, prior service by an incumbent Councilmember in office at the time of the effective date of this Section shall count for purposes of determining that Councilmember's eligibility under Subdivision C of Section 300 of this Charter to run for election in one of the newly created Council districts. Thus, a designated incumbent Councilmember of a newly created Council district during the transition period may not be nominated for or elected in a by-district election for that Council district unless (1) he or she is a resident of that Council district at the time nomination papers are filed and (2) more than one (1) year has elapsed since the termination of the second consecutive term in the office of City Councilmember for which he or she was previously elected or appointed.